

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

INTERNATIONAL REFUGEE
ASSISTANCE PROJECT, et al.,

Plaintiffs-Appellees,

v.

DONALD J. TRUMP, et al,

Defendants-Appellants.

No. 17-1351

**PLAINTIFFS-APPELLEES' REPLY
TO RESPONSE TO MOTION TO
SUPPLEMENT THE RECORD**

Plaintiffs welcome the government's representation that John Doe #3's wife will be permitted to enter the United States even if the injunction is lifted. Opp. 2. The government's interpretation of the Order's effective date is incorrect, however. The government asserts that "the Order's 90-day suspension will begin when the injunctions are lifted." Opp. 3. That is not what the Executive Order says. Section 2(c) bans nationals from the six designated countries "for 90 days from the effective date of this order." Section 14, entitled "Effective Date," establishes a date and time certain: "This order is effective at 12:01 a.m., eastern daylight time on March 16, 2017." The government cannot rewrite the Order in a legal filing. *See Washington v. Trump*, 847 F.3d 1151, 1165-66 (9th Cir. 2017) (declining to rely on "authoritative guidance" from the White House counsel in the absence of authority he was "empowered to issue an amended order superseding the Executive

Order signed by the President”). Moreover, the government has previously accepted that this provision means what it says. *See* Gov’t Stay Mot., Doc. No. 35, at 11 (explaining, after the district court’s injunction, that “Section 2(c)’s 90-day suspension expires in early June”).

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Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on May 7, 2017, I electronically filed the foregoing brief with the Clerk of the Court for the United States Court of Appeals for the Fourth Circuit by using the appellate CM/ECF system. Participants in the case are registered CM/ECF users, and service will be accomplished by the appellate CM/ECF system.

/s/ Omar C. Jadwat

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